

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICK WEST,

Defendant.

CR 16–28–M–DLC–2

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on November 3, 2016. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Nick West’s guilty plea after West appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiracy to commit robbery in violation

of 18 U.S.C. § 1951(a) (Count I), one count of carjacking in violation of 18 U.S.C. § 2119 (Count III), and one count of possession and brandishing of a firearm in furtherance of a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A)(ii) (Count IX), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II, IV through VIII, X and XII of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 99), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Nick West's motion to change plea (Doc. 77) is GRANTED and Nick West is adjudged guilty as charged in Counts I, III, IX of the Indictment.

DATED this 21st day of November, 2016.



Dana L. Christensen, Chief District Judge
United States District Court